

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HEVI MOHAMMED, individually, and as
personal representative of the estate of ALI
MUSTAFA SAEED, and the beneficiaries of
the estate including K.S., and V.S.; DAWOOD
AMEDI, individually and KAVI
MOHAMMED, individually, and as parents and
legal guardians of N. A. and L. A., and
AMEDI'S LANDSCAPING,

Plaintiffs,

v.

UNITED STATES OF AMERICA,
BONNEVILLE POWER ADMINISTRATION;
and RESOURCE MANAGEMENT
ASSOCIATES, INC., an Oregon Corporation,

Defendants.

No. 2:16-cv-01552-RAJ

**STIPULATION AND ORDER OF
DISMISSAL OF ALL CLAIMS
AGAINST THE UNITED STATES OF
AMERICA**

JOINT STIPULATION

Plaintiffs filed the instant lawsuit against the United States and Resource Management Associates ("RMA") on October 4, 2016 alleging claims against the United States under the Federal Tort Claims Act, 28 U.S.C. § 2679(b)(1). Discovery in this case has revealed that Steven Cox was an employee of Resource Management Associates ("RMA") and a permissive driver of a Bonneville Power Administration ("BPA") vehicle pursuant to the contractual terms outlined in the Master Agreement between BPA and RMA. The United States has claimed that

1 it is immune from suit under 28 U.S.C. § 2671 which excludes the United States from liability
2 for the negligent actions by “any contractor with the United States” and that the federal
3 government “cannot be held vicariously liable for the negligence of an employee of an
4 independent contractor.” The United States further argues that as an employee of an
5 independent contractor, there is no subject matter jurisdiction over the United States and it is
6 therefore immune from suit. The Plaintiffs filed a Motion for Summary Judgment against the
7 United States, and the United States filed a Motion to Dismiss Based on Subject Matter
8 Jurisdiction. Dkts. 42 and 44

9 Plaintiffs and the United States hereby stipulate and agree that Steven Cox was an
10 employee of RMA, that the United States was immune from liability for the claims arising from
11 the actions of Steven Cox under the FTCA, and that all claims should be dismissed against the
12 United States with prejudice.

13 **SO STIPULATED.**

14 Dated this 22nd day of March, 2018.

15
16 s/ Micah S. LeBank

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Dated this 22nd day of March, 2018.

s/ Whitney Passmore

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ORDER

IT IS SO ORDERED pursuant to the Stipulation of the United State of America and the Plaintiffs that Steven Cox was an employee of RMA and that the USA was immune from liability for the claims arising from the actions of Steven Cox under the FTCA.

IT IS FURTHER ORDERED that all claims against the United States of America are hereby dismissed with prejudice and without costs to either party, and the parties' respective motions filed at Dkt 42, 44 and 83 are terminated as moot.

Dated this 28th day of March, 2018.



The Honorable Richard A. Jones
United States District Judge